

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

A BILL FOR

1 An Act relating to residential, mobile, and manufactured home
2 tenancies, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 562A.4, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. A violation of this chapter by a
4 landlord, or an agent of a landlord, is a violation of section
5 714.16, subsection 2, paragraph "a".

6 Sec. 2. Section 562B.4, Code 2018, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 3. A violation of this chapter by a
9 landlord, or an agent of a landlord, is a violation of section
10 714.16, subsection 2, paragraph "a".

11 Sec. 3. Section 562B.10, subsection 5, Code 2018, is amended
12 to read as follows:

13 5. Rental agreements shall be for a term of at least one
14 year unless otherwise specified in the rental agreement.
15 ~~Rental agreements shall be canceled~~ A tenant may terminate a
16 rental agreement by giving at least sixty days' written notice
17 given by either party unless the tenant is terminating the
18 rental agreement pursuant to section 562B.22, 562B.23, 562B.24,
19 or 562B.31. A landlord ~~shall not cancel~~ may terminate, or not
20 renew, a rental agreement solely for the purpose of making the
21 tenant's mobile home space available for another mobile home
22 in a time and manner that complies with subsection 5A of this
23 section or section 562B.10, 562B.25, 562B.25A, or 562B.31.

24 Sec. 4. Section 562B.10, Code 2018, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 5A. a. A landlord may proceed to terminate
27 a tenancy at any time only if the tenant violates a provision
28 of this chapter for which termination is a remedy.

29 b. In addition to paragraph "a" of this subsection, a
30 landlord may terminate, or fail to renew, a tenancy after the
31 initial term of the tenancy for any of the following reasons:

32 (1) A legitimate and material business reason the impact
33 of which is not specific to only one tenant and that is not
34 created to avoid the application of this chapter.

35 (2) A change in the use of the land if a change in the use

1 of the land is included in the initial rental agreement as
2 grounds for termination or nonrenewal.

c. A landlord may terminate or fail to renew a tenancy pursuant to paragraph "b", subparagraph (1) or (2), by a written notice given to the tenant at least sixty days prior to the periodic rental date specified in the notice. The notice shall specify all facts that give rise to the notice of termination or failure to renew.

9	EXPLANATION
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10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 Under current law, a party aggrieved by a violation of the
13 uniform residential landlord and tenant law (Code chapter 562A)
14 or the manufactured home communities or mobile home parks
15 residential landlord and tenant law (Code chapter 562B) may
16 recover appropriate damages. Any right or action declared
17 by either law is enforceable by action unless the provision
18 declaring it specifies a different and limited effect.

19 This bill provides that a landlord or landlord's agent who
20 violates provisions in either Code chapter has committed an
21 unlawful practice under Code section 714.16. Under that Code
22 section, the attorney general may seek and obtain a temporary
23 restraining order, preliminary injunction, or permanent
24 injunction to prohibit the landlord or landlord's agent
25 from continuing the unlawful practice. A court may require
26 a landlord or landlord's agent who engaged in an unlawful
27 practice to reimburse a harmed tenant or, if the cost of
28 administering reimbursement outweighs the benefit to the tenant
29 or the tenant cannot be located through reasonable efforts, the
30 court may order disgorgement of moneys acquired by the landlord
31 by awarding the moneys to the state for the attorney general's
32 use for the administration and implementation of Code section
33 714.16. The attorney general may also request that the court
34 impose a civil penalty not to exceed \$40,000 per violation
35 against a landlord.

1 Currently, a term for a lease at a manufactured home
2 community or mobile home park shall be for one year unless the
3 rental agreement specifies otherwise. A rental agreement will
4 end after either the landlord or tenant gives the other party
5 60 days' written notice. A landlord does not need to provide a
6 tenant with a reason for terminating a rental agreement, but
7 a landlord cannot cancel a rental agreement solely for the
8 purpose of making the tenant's mobile home space available for
9 another mobile home.

10 The bill requires rental agreements at manufactured home
11 communities and mobile home parks to be for at least one year.
12 A tenant may terminate a rental agreement with 60 days' written
13 notice or a shorter period of time according to Code section
14 562B.22, 562B.23, 562B.24, or 562B.31. The bill removes the
15 prohibition against a landlord terminating a rental agreement
16 for the sole purpose of making the tenant's mobile home space
17 available for another mobile home; however, the landlord may
18 only terminate a rental agreement, or not renew a rental
19 agreement, in a manner that complies with Code chapter 562B.

20 Under current law, the Code allows a landlord to terminate a
21 rental agreement, subject to certain conditions, if the tenant
22 dies and the tenant was the sole owner of the mobile home,
23 if the tenant is in material noncompliance with the rental
24 agreement, if the tenant fails to pay rent after three days
25 of receiving written notice that unpaid rent was due, if the
26 tenant created or maintained a threat constituting a clear
27 and present danger that continues at least three days after
28 receiving written notice to cease the threatening activity,
29 or if the tenant refuses lawful access to the mobile home
30 space. In addition to the reasons that the Code provides for
31 terminating a tenancy at any time, the bill allows a landlord
32 to terminate, or not renew, a rental agreement after the
33 initial term of the tenancy if the landlord has a legitimate
34 and material business reason that impacts multiple tenants and
35 that is not created to avoid the application of Code chapter

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1 562B, or a change in the use of the land occurs if a change in
2 the use of the land is included in the initial rental agreement
3 as grounds for termination or nonrenewal. For either of those
4 two reasons, the landlord must provide written notice to the
5 tenant at least 60 days prior to the periodic rental date
6 specified in the notice.